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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/588,805

01/25/2008

George Bowen

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987 7590 10/02/2008

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EXAMINER

MORROW, JASON S

ART UNIT

PAPER NUMBER

3612

MAIL DATE

DELIVERY MODE

10/02/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/588,805	Applicant(s) BOWEN, GEORGE	
	Examiner Jason S. Morrow	Art Unit 3612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 August 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>8/7/06</u> . | 6) <input type="checkbox"/> Other: ____. |

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DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3, 9, and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Gaus et al. (US Patent 6,527,327).

Re claim 1, Gaus et al. discloses a rest (2) for use in a vehicle comprising a housing having a sloping upper face (14) and means (9) for adjusting the position of the housing relative to the vehicle.

Re claim 2, the housing defines a storage space (19) and has a pivotal lid (14) which provides the sloping upper face and may be pivoted between an open position (shown in figure 5) allowing access to the storage space and support for the calves of a user (shown in figure 4) and a closed position in which the storage space is closed off.

Re claim 3, the lid is powered (the base 9 is powered and move the lid along with the rest of the device).

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Re claim 9, in which the lid is motorized (the base 9 is powered and move the lid along with the rest of the device).

Re claim 10, the device is mounted in a vehicle (see figure 4).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 4-6, 11, 12, 13, 16, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gaus et al. (US Patent 6,527,327) in view of Holweg et al. (4,275,914).

Gaus discloses all the limitations of the claims, as applied above, except for the a motorized rack and pinion arrangement, the arrangement operative to move the housing on a pair of rails adapted to be fixed to the floor of the vehicle, and an electric motor.

Holweg et al. teaches a motorized rack and pinion arrangement (25, 24), the arrangement operative to move a device on a pair of rails adapted to be fixed to the floor of a vehicle, and an electric motor (16).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided the footrest of Gaus with a motorized rack and pinion arrangement, the arrangement operative to move the housing on a pair of rails adapted to be fixed to the floor of the vehicle, and an electric motor, because the technique of providing a powered system for moving a vehicle appurtenance is well known to one of ordinary skill in the art and applying the

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technique taught by Holweg et al. to the device of Gaus et al. does no more than yielding the predictable result of allowing the footrest to be further adjusted for passenger comfort.

Gaus et al. and Holweg et al. do not disclose a layer of carpet on the sloping upper face.

The examiner takes Official Notice that the use of carpet in vehicles is old and well known in the art.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify a sloping upper surface of a foot rest, such as that disclosed above, to have a layer of carpet, as is old and well known in the art, in order to finish the device in aesthetically pleasing way that matches the floor of a vehicle in which the footrest is used.

6. Claims 7, 8, 14, 15, 17, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gaus et al. (US Patent 6,527,327).

Gaus et al. does not disclose a layer of carpet on the sloping upper face.

The examiner takes Official Notice that the use of carpet in vehicles is old and well known in the art.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify a sloping upper surface of a foot rest, such as that disclosed by Gaus et al., to have a layer of carpet, as is old and well known in the art, in order to finish the device in aesthetically pleasing way that matches the floor of a vehicle in which the footrest is used.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited references all disclose foot rests.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason S. Morrow whose telephone number is (571) 272-6663. The examiner can normally be reached on Monday-Friday, 8:00a.m.-4:30p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on (571) 272-6659. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jason S. Morrow/
Primary Examiner, Art Unit 3612

September 29, 2008